

Joint Standing Committee on State and Local Government

LD 562

An Act to Allow Municipalities to Create Capital Improvement Districts

PUBLIC 521

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS LEMONT	OTP-AM	H-822

LD 562 proposed to authorize municipalities to create a capital improvement district for the purpose of making an infrastructure improvement that primarily serves the property owners of the district. The bill also proposed to establish the process for creating and operating the district. It also proposed to establish the process for assessing costs of the improvement. The bill was carried over from the First Regular Session.

Committee Amendment "A" (H-822) proposed to replace the bill. It proposed to authorize municipalities to create capital improvement districts. A capital improvement district is a defined area within a municipality that is initially privately owned and that has been designated by the municipality as a capital improvement district for the interrelated purposes of fairly apportioning the costs of making necessary improvements among the owners of property within the district and establishing the elements of the capital improvement district that are municipally owned. This amendment proposed provisions for establishing capital improvement districts including the required series of public hearings that must be held and the manner in which public votes on the proposed district must be executed prior to establishing a capital improvement district.

Enacted law summary

Public Law 2001, chapter 521 authorizes municipalities to create capital improvement districts. A capital improvement district is a defined area within a municipality that is initially privately owned and that has been designated by the municipality as a capital improvement district for the interrelated purposes of fairly apportioning the costs of making necessary improvements among the owners of property within the district and establishing the elements of the capital improvement district that are municipally owned. The law details the series of public hearings and capital improvement district and municipal referenda that must be conducted to implement a capital improvement district.

LD 1118

An Act to Reduce Unnecessary Paperwork in State Government

PUBLIC 495

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY TURNER	OTP-AM	H-790

LD 1118 proposed to establish the Paperwork Reduction Act that would have provided that similar or identical information and data required to be reported periodically to state agencies or departments by businesses operating in the State be reported to a single agency, the agency of record. The agency of record is the agency or department of State Government that first required a business operating in this State to report information or data during a reporting period established by law or rule. The bill also proposed that requests for additional information by a state agency be made through the agency of record and that a business disclose the identity of the agency of record to any state agency requesting that information. The bill was carried over from the First Regular Session.

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Committee Amendment "A" (H-790) replaced the bill and proposed to amend the State Government Evaluation Act to provide that agencies undergoing legislative review pursuant to that act must submit to the committee conducting the review a list of the various filings by the public that the agency requires. The amendment also proposed that, in conducting its analysis and developing its recommendations, a legislative committee may consider the extent to which an agency has increased or decreased filing requirements and paperwork duplication burdens on the public. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 495 amends the State Government Evaluation Act in an effort to identify areas where paperwork reduction may be needed. Chapter 495 requires that agencies undergoing legislative review pursuant to that act must submit to the committee conducting the review a list of the various filings by the public that the agency requires. The amendment also specifies that, in conducting its analysis and developing its recommendations, a committee may consider the extent to which an agency has increased or decreased filing requirements and paperwork duplication burdens on the public.

LD 1218 **An Act to Amend the Calculation for Annual County Tax Assessments** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DORR	ONTP MAJ OTP-AM MIN	

LD 1218 proposed to require the county commissioners to calculate the budget cost of non-contracted rural sheriff patrol services in proportion with those services provided to municipalities and unorganized territories in the county. The bill was carried over from the First Regular Session to the Second Regular Session of the 120th Legislature.

Committee Amendment "A" (H-803), which was not adopted, proposed to add a fiscal note to the bill.

LD 1549 **An Act to Amend the Organization of Washington County Government** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN SHOREY	ONTP	

LD 1549 proposed to direct the county commissioners in Washington County to report to the Joint Standing Committee on State and Local Government with a plan for hiring a county administrator and increasing the number of county commissioner districts from 3 to 5 in Washington County. This bill was carried over from the First Regular Session.

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LD 1586

**An Act to Separate Territory from the Town of Falmouth and
Annex it to the City of Portland**

**P & S 62
EMERGENCY**

Sponsor(s)
ABROMSON
DAVIS G

Committee Report
OTP-AM

Amendments Adopted
S-416

LD 1586 proposed to separate a parcel of property from the Town of Falmouth and annex it to the City of Portland. The property is located on the southerly side of the Maine Turnpike spur that connects the turnpike with Route 1 in the Town of Falmouth. It abuts other property under the same ownership in the City of Portland. The turnpike spur acts as a substantial barrier to municipal services like sewer lines, water lines and roads from the Town of Falmouth. This bill was carried over from the First Regular Session.

Committee Amendment "A" (S-416) proposed to amend the original bill by adding a more precise description of the territory to be separated from the Town of Falmouth and annexed to the City of Portland by this legislation. It also proposed to add an emergency preamble, an emergency clause and a fiscal note to the bill.

Enacted law summary

Private and Special Law 2001, chapter 62 separates a parcel of property from the Town of Falmouth and annexes it to the City of Portland. The property is located on the southerly side of the Maine Turnpike spur that connects the turnpike with Route 1 in the Town of Falmouth. It abuts other property under the same ownership in the City of Portland. The turnpike spur acts as a substantial barrier to municipal services such as sewer lines, water lines and roads from the Town of Falmouth.

Private and Special Law 2001, chapter 62 was enacted as an emergency measure effective April 2, 2002.

LD 1678

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Establish the Legislative Compensation Commission**

ONTP

Sponsor(s)
SAXL
MARTIN

Committee Report
ONTP

Amendments Adopted

LD 1678 proposed to establish a Legislative Compensation Commission to review the current levels of compensation provided to Maine Legislators. This bill proposed that the Governor appoint the 5 members of the commission, with at least one from each of the 2 major political parties. This bill also proposed that no member of the commission could be a Legislator, lobbyist or lobbyist employer at the time of the appointment. Under this proposed bill, the commission's recommendations would have automatically taken effect for the next legislative session unless the Legislature enacted legislation specifically overriding the commission's recommendations. This bill was carried over from the First Regular Session.

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LD 1853

An Act to Authorize the Formation of Regional County Corrections Authorities

**PUBLIC 489
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY JODREY	OTP-AM MAJ ONTP MIN	S-410

LD 1853 proposed to authorize groups of 2 or more counties to plan, finance, construct and operate regional correctional facilities.

Committee Amendment "A" (S-410) proposed to clarify the process by which counties would plan, finance, construct and operate regional correctional facilities. The amendment proposed to authorize the commissioners of 2 or more counties to jointly plan, finance, construct and operate regional correctional facilities. It proposed to require that county commissions acting jointly under this Act adhere to the provisions of Title 30-A governing interlocal cooperation to the extent those provisions are applicable.

Enacted law summary

Public Law 2001, chapter 489 authorizes the commissioners of 2 or more counties to jointly plan, finance, construct and operate regional correctional facilities. The law requires that county commissions acting jointly under this Act adhere to the provisions of Title 30-A governing interlocal cooperation to the extent those provisions are applicable.

Public Law 2001, chapter 489 was enacted as an emergency measure effective February 21, 2002.

LD 1854

Resolve, to Validate the Assessment, Commitment and Tax Collection of the Town of Wells for the Fiscal Year 2001

**RESOLVE 70
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER COLLINS	OTP	

LD 1854 proposed to correct an oversight that occurred in the Town of Wells involving the timely swearing in of two municipal officials. The Maine Revised Statutes, Title 30-A, section 2526, subsection 9 requires all town officials to be sworn by the moderator in open town meeting, by the clerk, by a notary or by any other person authorized by law to administer an oath before assuming the duties of office. The tax assessor and the tax collector for the Town of Wells were appointed on April 18, 2000. Subsequent to their appointment, the town failed to swear these municipal officials in a timely manner, placing the tax commitment in jeopardy of challenge. This resolve proposed to remedy any failure to comply with the statutory requirement governing the timing of the administration of the oaths of office to these two municipal officials.

Enacted law summary

Resolve 2001, chapter 70 corrects an oversight that occurred in the Town of Wells involving the timely swearing in of two municipal officials and remedies any failure to comply with the statutory requirement governing oaths of office. The Maine Revised Statutes, Title 30-A, section 2526, subsection 9 requires all town officials to be sworn

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by the moderator in open town meeting, by the clerk, by a notary or by any other person authorized by law to administer an oath before assuming the duties of office. The tax assessor and the tax collector for the Town of Wells were appointed on April 18, 2000. Subsequent to their appointment, the town failed to swear these municipal officials in a timely manner, placing the tax commitment in jeopardy of challenge.

Resolve 2001, chapter 70 was finally passed as an emergency measure effective January 15, 2002.

LD 1856 An Act to Amend the Definition of "Governmental Unit" as It PUBLIC 484 **Relates to the Maine Municipal Bond Bank Act**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN FERGUSON	OTP	

LD 1856 proposed to amend the Maine Municipal Bond Bank Act by amending the definition of "governmental unit" to include a municipally owned corporation as an eligible borrower for electric, water and sewer projects. Specifically, the proposed change to the bond bank law would make the Houlton Water Company, a municipally-owned corporation, eligible to fund its infrastructure projects through the Maine Municipal Bond Bank.

Enacted law summary

Public Law 2001, chapter 484 amends the Maine Municipal Bond Bank Act by amending the definition of "governmental unit" to include a municipally owned corporation as an eligible borrower for electric, water and sewer projects.

LD 1860 An Act to Dissolve the Ministerial Accounts in the Town of P & S 69 **Readfield's Trust Fund**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP MAJ ONTP MIN	

LD 1860 proposed to authorize the municipal officers of the Town of Readfield to dissolve the ministerial accounts in the town's trust fund and to use the money in these accounts for the purchase and installation of a Readfield veterans' memorial monument. This proposed use of the funds was approved by the voters of the Town of Readfield at the annual town meeting in June 2001. The town was required to seek legislative approval of the use of the funds because current state law does not authorize the use of ministerial funds for purchasing and installing a veterans memorial monument.

Enacted law summary

Private and Special Law 2001, chapter 69 authorizes the municipal officers of the Town of Readfield to dissolve the ministerial accounts in the town's trust fund and to use the money in these accounts for the purchase and installation of a Readfield veterans' memorial monument. The use of the funds for this purpose was approved by the voters of the Town of Readfield at the annual town meeting in June 2001.

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LD 1865

An Act to Allow the Department of Administrative and Financial Services, Bureau of General Services to Make Direct Selection of Architects, Engineers and Other Professionals Whose Services Do Not Exceed \$25,000 in Value

PUBLIC 606

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON PENDLETON	OTP-AM	H-826

LD 1865 proposed that the Department of Administrative and Financial Services, Bureau of General Services be authorized to make a direct selection of an architect or engineer without advertising or competitive selection if the cost of that architect's or engineer's services does not exceed \$25,000.

Committee Amendment "A" (H-826) proposed expanding application of the bill. As proposed in the amendment, the bureau would also be able to contract in the same circumstances with other professionals such as land surveyors, real estate appraisers, landscape architects, interior designers, soil scientists and land use planners. The amendment also proposed to clarify the process for establishment of a list of qualified individuals to provide professional, engineering and architectural services to the bureau in the planning, design and monitoring of public improvement projects and to establish an appeal process for those not selected for placement on the list. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 606 authorizes the Department of Administrative and Financial Services, Bureau of General Services to contract for architectural, engineering or other professional services on public improvement projects without advertising or competitive selection if the cost of the services is less than \$25,000. The law establishes a process for establishment of a list of individuals qualified to provide engineering, architectural and other professional services from which the bureau would select for the planning, design and monitoring of public improvement projects. Chapter 606 also establishes an appeal process for those not selected for placement on the list.

LD 1874

An Act to Give the Department of Administrative and Financial Services, Bureau of General Services Discretion Regarding Building Codes

PUBLIC 607

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON MCDONOUGH	OTP-AM	S-432

LD 1874 proposed to allow the Department of Administrative and Financial Services, Bureau of General Services to adopt for purposes of the design of public improvements construction projects the most recent version of specified national and international building codes. The bill also proposed to grant the bureau discretion to adopt only portions of the building codes that it determines applicable.

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Committee Amendment "A" (S-432) proposed to add the International Code Council to the statutory list of organizations whose code may be adopted by the Department of Administrative and Financial Services, Bureau of General Services for application to public improvement construction projects under the bill. The amendment also proposed to clarify that when the bureau makes a determination that only part of a national or international code applies in this State, that determination applies to all public improvement projects covered by that code. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 607 allows the Department of Administrative and Financial Services, Bureau of General Services to adopt the most recent version of specified national or international building codes to be used in the design of public improvements construction projects in this State. The law also gives the bureau discretion to adopt specified portions of those building codes when only part of the codes are applicable to public improvement projects in Maine.

LD 1875

An Act to Waive the Competitive Bid Requirement for Lease of Certain Unused State Facilities

PUBLIC 525

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM MAJ	S-431
MCDONOUGH	ONTP MIN	

LD 1875 proposed to allow the Director of the Bureau of General Services within the Department of Administrative and Financial Services to lease a state-owned facility without soliciting competitive bids if 50% or less or 2,500 feet or less of the facility is unused. The current restriction that the lessee be compatible with the agency in the facility would continue to apply. The bill also proposed to correct the name of the Bureau of General Services in statute.

Committee Amendment "A" (S-431) proposed to modify the bill so that, for a facility 5,000 square feet or smaller, the State may lease up to 2,500 square feet of unused space without competitive bidding, including the whole facility if the whole facility is 2,500 square feet or less in size. For a facility between 5,000 and 40,000 square feet, the amendment proposed that the State could lease up to 50% of the facility without competitive bidding if the space is unused. For facilities over 40,000 square feet, the State would be limited to leasing 20,000 square feet of space per facility regardless of how much is unused as proposed in the amendment. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 525 allows the Director of the Bureau of General Services within the Department of Administrative and Financial Services to lease a state-owned facility without soliciting competitive bids in certain circumstances. Chapter 525 provides that, for a facility of 5,000 square feet or smaller, the State may lease up to 2,500 square feet of unused space without competitive bidding, including the whole facility if the facility is less than 2,500 square feet in size. For a facility between 5,000 and 40,000 square feet, the State may lease up to 50% of the facility without competitive bidding if the space is unused. For facilities over 40,000 square feet, the State is limited to leasing 20,000 square feet of space per facility without competitive bidding regardless of how much is unused. The current restriction that the work performed by the lessee must be compatible with that of the agency in the facility continues to apply.

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LD 1876

Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services to Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56

RESOLVE 76

<u>Sponsor(s)</u> DAGGETT PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-414
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LD 1876 proposed to extend the time frame from during which the authority is granted to the Commissioner of Administrative and Financial Services to convey a portion of the Kennebec Arsenal in Augusta. The bill proposed to extend the time frame from September of 2002 to June of 2005.

Committee Amendment "A" (S-414) proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 76 extends the time frame from September of 2002 to June of 2005 during which the authority is granted to the Commissioner of Administrative and Financial Services to convey a portion of the Kennebec Arsenal in Augusta.

LD 1878

Resolve, Authorizing the Commissioner of Administrative and Financial Services Lease the Interests of the State in Property at the Long Creek Youth Development Center in South Portland

RESOLVE 95

<u>Sponsor(s)</u> PENDLETON MCDONOUGH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-482
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LD 1878 proposed to authorize the Commissioner of Administrative and Financial Services to lease interests of the State in property at the Long Creek Youth Development Center.

Committee Amendment "A" (S-482) proposed to amend the resolve by limiting to 50 years the term of the lease of any state property at the Long Creek Youth Development Center. The amendment also proposed to strike a provision that would repeal the resolve in 3 years.

Enacted law summary

Resolve 2001, chapter 95 authorizes the Commissioner of Administrative and Financial Services to lease interests of the State in property at the Long Creek Youth Development Center in South Portland. The resolve limits to 50 years the term of the lease of any state property at the Center.

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LD 1879

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Acquire or Dispose of Property or Interest in Property Pursuant to the Augusta State Facilities Master Plan set out in Resolve 2001, Chapter 34

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM MAJ	
MCDONOUGH	ONTP MIN	

LD 1879 proposed to authorize the Commissioner of Administrative and Financial Services to acquire or dispose of property or interests in property in accordance with the Augusta State Facilities Master Plan.

Committee Amendment "A" (S-415), which was not adopted, proposed to strike and replace much of the original resolve. The amendment proposed to authorize the Commissioner of Administrative and Financial Services to enter into purchase and sale agreements for the purchase of property or interests in property that are located within the limits of the capitol area in Augusta and identified for acquisition in the March 2001 Augusta State Facilities Master Plan Summary Report. The amendment also proposed to require the purchase to be subject to legislative approval and appropriation. The amendment also proposed to add a fiscal note to the resolve.

Committee Amendment "B" (S-478), which was not adopted, proposed to strike and replace much of the original resolve. The amendment proposed to authorize the Commissioner of Administrative and Financial Services to enter into purchase and sale agreements for the purchase of property or interests in property that are located within the limits of the capitol area in Augusta and identified for acquisition in the March 2001 Augusta State Facilities Master Plan Summary Report. The amendment also proposed to require the purchase to be subject to legislative approval and appropriation. The amendment also proposed to add a fiscal note to the resolve. The amendment was the majority report after the bill was recommitted to the committee.

LD 1909

An Act to Permit the Town of Atkinson to Deorganize

P & S 59

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM MAJ	S-437
ANNIS	ONTP MIN	

LD 1909 proposed to allow the Town of Atkinson to deorganize.

Committee Amendment "A" (S-437) proposed a series of technical changes to the original bill. The amendment proposed to remove the emergency preamble and the emergency clause. It also proposed to change the date of assessment of taxes to April 1, 2003. It also proposed to require that the official town vote on deorganization occur during the next general election in November. Finally, the amendment proposed to change the effective date of the proposed deorganization if it is approved by voters of the town to July 1, 2003. The amendment also proposed to add a fiscal note to the bill.

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Enacted law summary

Private and Special Law 2001, chapter 59 allows the Town of Atkinson to deorganize providing that the voters of the town approve the deorganization proposal at the general election in November 2002. If voters approve the referendum, the effective date of the deroganization will be July 1, 2003.

LD 1926

An Act to Amend the Boundaries Between Ripley and St. Albans

P & S 63

Sponsor(s)
STEDMAN

Committee Report
OTP-AM

Amendments Adopted
H-825

LD 1926 proposed to restore the boundary between the Town of St. Albans and the Town of Ripley to its pre-1862 configuration by placing land set off in Private and Special Law 1862, chapter 181 back into the Town of Ripley.

Committee Amendment "A" (H-825) proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 2001, chapter 63 restores the boundary between the Town of St. Albans and the Town of Ripley to its pre-1862 configuration by placing land set off in Private and Special Law 1862, chapter 181 back into the Town of Ripley.

LD 1941

An Act to Modify the Time of Constituent Service Allowance Payments

PUBLIC 504

Sponsor(s)
CLOUGH
DAGGETT

Committee Report
OTP-AM

Amendments Adopted
H-802

LD 1941 proposed to change the time when Legislators receive the 1st installment payment of their annual allowance for constituent services. Current law provides that this installment be paid at the start of each regular session in December. This bill proposed that this installment be paid in January.

Committee Amendment "A" (H-802) proposed to retain the change presented in the bill. In addition, the amendment proposed to allow a Legislator to obtain the first payment in December of the first year of the biennium upon request to the Executive Director of the Legislative Council. The amendment proposed that the executive director be required to notify Legislators of the payment choice available to them and of the tax consequences of the choice.

Enacted law summary

Public Law 2001, chapter 504 changes when Legislators receive the 1st of the 2 payments of the annual allowance for constituent services. Current law provides that this installment be paid at the start of each regular session—December in the 1st year of a biennium and January in the 2nd year. Chapter 504 sets the first payment for

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constituent services for January of each session. The law allows a Legislator to obtain the first payment in December of the first year of the biennium upon request to the Executive Director of the Legislative Council. The executive director is required to notify Legislators of the payment choice available to them and of the tax consequences of exercising the choice.

LD 1942

An Act to Provide Property Tax Relief in Cumberland County

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	ONTP MAJ	
YOUNGBLOOD	OTP-AM MIN	

LD 1942 proposed to restore the 10% limit in Cumberland County on the amount of unencumbered surplus funds county commissioners could use annually for purposes other than reducing the county property tax levy. Public Law 2001, chapter 349, enacted last year, increased the amount, from 10% to 20% for all counties.

Committee Amendment "A" (H-849), which was not adopted, proposed to cap the limit at 15% of unencumbered surplus funds that county commissioners could use annually for purposes other than reducing the county property tax levy in Cumberland County.

LD 1943

An Act to Clarify Municipal Reapportionment Authority

PUBLIC 537

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	H-850

LD 1943 proposed to amend the law governing reapportionment of municipal voting districts following completion of each decennial census. Current law requires a municipality to enact a reapportionment ordinance within 18 months of the official release of census data. This bill proposes that when an ordinance is not adopted at least 90 days before a regular election held within that 18-month period, the old apportionment ordinance is used for that election. The bill also proposes that if a municipality fails to adopt a reapportionment ordinance within the 18-month period or if it does so but not more than 90 days before an election occurring after 18 months, municipal officers up for election are elected and serve at large until a new ordinance is adopted.

Committee Amendment "A" (H-850) proposed to allow municipalities to utilize state House of Representatives and Senate districts in enacting a municipal reapportionment ordinance. Under the amendment, municipalities would have up to 12 months after reapportionment of House and Senate districts to reapportion municipal districts.

Enacted law summary

Public Law 2001, chapter 537 amends the law governing reapportionment of municipal voting districts following completion of each decennial census. Under chapter 537, municipalities have up to 12 months following reapportionment of House and Senate districts to reapportion municipal districts thereby allowing municipalities to utilize state legislative district lines in reapportioning their voting districts. The law clarifies that when an ordinance is not adopted at least 90 days before a regular election held within that 12-month period, the old apportionment ordinance is used for that election. The law also clarifies that if a municipality fails to adopt a reapportionment ordinance within the 12-month period or if it does so but not more than 90 days before an election

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occurring after 12 months, municipal officers up for election are elected and serve at large until a new ordinance is adopted.

LD 1952 **Resolve, Authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to Convey a Crossing Easement** **RESOLVE 75**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH	OTP-AM	H-804
MARTIN		

LD 1952 proposed to grant an easement giving Irving Woodlands, LLC, a permanent right to cross the state-owned, abandoned railroad right-of-way running between Stockholm and Van Buren. Irving Woodlands, LLC, has assembled a new access corridor from their lands in T17R3 WELS to the Bangor and Aroostook railroad siding in Van Buren that will avoid making an impact on public roads and will increase activity at the siding. The state-owned abandoned railroad corridor must be crossed at a site approximately one mile from Van Buren in order to complete this access corridor.

Committee Amendment "A" (H-804) proposed to add a fiscal note.

Enacted law summary

Resolve 2001, chapter 75 grants Irving Woodlands, LLC, a permanent right to cross the state-owned, abandoned railroad right-of-way running between Stockholm and Van Buren. This will permit Irving Woodlands, LLC, to complete assembly of a new access corridor from their lands in T17R3 WELS to the Bangor and Aroostook railroad siding in Van Buren that will avoid using public roads and increase economic activity at the siding. The abandoned railroad corridor will be crossed at a site approximately one mile from Van Buren.

LD 1967 **An Act to Assist Municipalities of Sagadahoc County with the Change in the County Budget Year** **PUBLIC 499
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL	OTP-AM	S-417
PEAVEY		S-440 SMALL

LD 1967 proposed that county officers in Sagadahoc County be authorized to borrow money for purposes of carrying out the transitional county budget authorized for the county's switch to a July-June fiscal year in 2002. While waiting for payment by municipalities of their share of the transitional budget, the bill proposed that county officers be allowed to issue bonds or notes in anticipation of taxes from the transitional budget, the total face amount of which does not exceed 80% of the taxes anticipated from the transitional budget and the period of borrowing of which does not exceed 5 years.

Committee Amendment "A" (S-417) proposed to authorize municipalities to spread payment to the county of their portion of the county transitional budget over a period from one to 5 years and to direct municipalities that do so to make their payment of their annual share of the transitional budget at the same time they pay their share of the

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current year's county budget. A municipality not paying its full share of the transitional budget in 2002 would be required to pay the interest incurred by the county for borrowing in anticipation of taxes on behalf of the municipality. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" (S-440) proposed to add a mandate preamble to the bill.

Enacted law summary

Public Law 2001, chapter 499 authorizes Sagadahoc County to borrow money by issuing bonds or notes in anticipation of taxes to fund county services while transitional budgets are carried out to implement the new county fiscal year enacted last year. The total face amount of municipal bonds or notes may not exceed 80% of the taxes anticipated from the transitional budgets. Municipalities are authorized to spread payment to the county of their portion of the transitional budget over a period from one to 5 years and are required to make their payment of their annual share of the transitional budget at the same time they pay their share of the current year's county budget. A municipality not paying its full share of the transitional budget in 2002 is required to pay the interest incurred by the county for borrowing in anticipation of taxes on behalf of the municipality.

Public Law 2001, chapter 499 was enacted as an emergency measure effective March 5, 2002.

LD 1991 **Resolve, to Develop a Living Memorial in Capitol Park in Honor of the Victims and Heroes of the September 11, 2001 Tragedy** **RESOLVE 110**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER EDMONDS	OTP-AM	H-801 S-544 GOLDTHWAIT

LD 1991 proposed to establish the Commission to Erect a Memorial to the Victims and Heroes of the September 11, 2001 Tragedy.

Committee Amendment "A" (H-801) proposed to:

1. Provide that the commission shall focus on development of a living memorial consistent with the natural elements of the existing architectural plans for Capitol Park, such as plantings of vegetation or development or restoration of pathways;
2. Prohibit the memorial from being in the form of a statue, monument or similar structure and require any identification of the memorial to be unobtrusive and dignified;
3. Require the commission to hold a public hearing to receive public comment on the nature of the memorial; and
4. Add standard language regarding management of the commission's budget and change the reporting date for the commission to be consistent with the drafting guidelines adopted by the Legislative Council.

The amendment also proposed to add appropriation and allocation sections and a fiscal note to the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-544) proposed to eliminate the commission and provide that the State House and Capitol Park Commission shall undertake the study.

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Enacted law summary

Resolve 2001, chapter 110 directs the State House and Capitol Park Commission to study and report to the First Regular Session of the 121st Legislature on the establishment of a memorial to the victims and heroes of the September 11, 2001 tragedy. In conducting the study, the commission shall focus on development of a living memorial consistent with the natural elements of the existing architectural plans for Capitol Park, such as plantings of vegetation or development or restoration of walkways.

LD 1993

**An Act to Amend the Laws Governing the Washington County
Emergency Medical Services Authority**

**P & S 50
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM MAJ OMTP MIN	H-792

LD 1993 proposed to make minor changes to the laws governing the Washington County Emergency Medical Services Authority to enhance the authority's ability to serve communities located in counties near Washington County.

Committee Amendment "A" (H-792) proposed to replace the bill and to add an emergency preamble and clause. It proposed to expand the service area of the Washington County Emergency Medical Services Authority, to add one member from the Passamaquoddy Tribe to the board of directors of the authority and to establish the appointing authority for that member. The amendment also proposed to allow appointing authorities to appoint alternate members to the board of directors and to authorize those alternate members to vote in the absence of the appointed member. The amendment also proposed to allow the board of directors to elect a treasurer who is not a member or alternate member of the authority. Finally, the amendment proposed to allow the approved cost-basis schedule to include either a surcharge or discount to certain member communities.

Enacted law summary

Private and Special Law 2001, chapter 50 expands the service area of the Washington County Emergency Medical Services Authority. It adds one member from the Passamaquoddy Tribe to the board of directors of the authority and establishes the appointing authority for that member. The Act also allows appointing authorities to appoint alternate members to the board of directors and authorizes those alternate members to vote in the absence of the appointed member. The law also allows the board of directors to elect a treasurer who is not a member or alternate member of the authority. Finally, it allows the approved cost-basis schedule to include either a surcharge or discount to certain member communities.

Private and Special Law 2001, chapter 50 was enacted as an emergency measure effective February 28, 2002.

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LD 2008

An Act to Create the Office of Maine-Canada Trade Ombudsman

PUBLIC 643

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	ONTP MAJ OTP-AM MIN	H-791 H-809 SHERMAN

LD 2008 proposed to create the Office of the Maine-Canada Envoy. The envoy would be appointed by the Governor with the consent of the Senate for a term of 4 years. The envoy would: act as the Maine representative for relations with Canada to ensure the coordination of state policy when dealing with Canada; perform research and provide assistance to State Government, businesses and citizens to increase trade with Canada; act as an intermediary between Maine businesses and citizens and Canada for trade; and administer the Office of the Maine-Canada Envoy.

Committee Amendment "A" (H-791) proposed to add an appropriation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-809) proposed to revise the committee amendment to convert the proposed "Maine-Canada Envoy" into the "Maine-Canada Trade Ombudsman." Under the amendment, the Governor would appoint the Maine-Canada Trade Ombudsman, and the appointment would be subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government matters and confirmation by the Senate.

The amendment proposed that the ombudsman have the same basic responsibilities and powers as proposed in the original bill with regard to administering the office, providing advice to the Governor and state agencies with regard to commerce and other relations with individuals, businesses and governmental entities in Canada and representing the State at the national level for trade matters between the United States and Canada that involve Maine.

This amendment proposed to delete reference to research and assistance to develop and increase trade relations with Canada, producing publications and coordinating trade-related activities, as those functions are already provided by other agencies within the State.

The central function of the Maine-Canada Trade Ombudsman would be to answer inquiries from Maine citizens and businesses and to investigate, advise and work toward resolution of complaints that arise concerning trade issues. The ombudsman would be given the authority to negotiate on behalf of businesses, with their consent, with individuals, businesses and governmental entities of Canada to secure fair trade treatment for Maine products and services.

Enacted law summary

Public Law 2001, chapter 643 establishes a Maine-Canada Trade Ombudsman. The Governor appoints the Maine-Canada Trade Ombudsman, subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government matters and confirmation by the Senate. The ombudsman will provide advice to the Governor and state agencies regarding commerce and other relations with individuals, businesses and governmental entities in Canada and represent the State at the national level for trade matters between the United States and Canada that involve Maine.

The central function of the Maine-Canada Trade Ombudsman is to answer inquiries from Maine citizens and businesses and investigate, advise and work toward resolution of complaints that arise concerning trade issues with

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Canada. Under the law, the ombudsman is given the authority to negotiate on behalf of businesses, with their consent, with individuals, businesses and governmental entities of Canada to secure fair trade treatment for Maine products and services.

LD 2011 **An Act to Restructure the Advisory Council on Tax-deferred Arrangements** **PUBLIC 503**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-800
BENNETT		

LD 2011 proposed to restructure the Advisory Council on Tax-deferred Arrangements by changing it from an advisory council to a policy-making council and by changing the number of its members from 6 to 9.

Committee Amendment "A" (H-800) proposed to replace the bill. It retained the current advisory nature of the council while increasing the membership from 6 to 10. The amendment proposed to increase the number of employees representing the Maine State Employees Association on the council from one to 5 with one member representing each of the Maine State Employees Association bargaining units. The employer-employee voting balance on the advisory council would not be affected by the increase in membership proposed by the amendment.

Enacted law summary

Public Law 2001, chapter 503 increases the membership of the Advisory Council on Tax-deferred Arrangements from 6 to 10 by increasing the number of employees representing the Maine State Employees Association on the council from one to 5 with one member representing each of the Maine State Employees Association bargaining units. The employer-employee voting balance on the advisory council is not affected by the increase in MSEA representation.

LD 2046 **Resolve, to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags** **RESOLVE 113**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM	S-449
BERRY R		S-543 GOLDTHWAIT

LD 2046 proposed to establish a commission to arrange for a plaque and a flag or flags to be displayed in the Hall of Flags in the State House to honor the Maine veterans of World War II and the Korean Conflict.

Committee Amendment "A" (S-449) proposed several changes to the bill. It proposed to change references to "Korean Conflict" in the resolve to "Korean War" and provide for the possibility of placing 2 plaques in the Hall of Flags, one honoring World War II veterans and one honoring Korean War veterans. The amendment also proposed to delete the section of the resolve that established a study by the Maine Historic Preservation Commission to revise the method of dealing with future requests for adding commemorative items to the State House. This amendment also proposed to add a fiscal note to the resolve.

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Senate Amendment "A" to Committee Amendment "A" (S-543) was prepared pursuant to action taken by the Legislative Council on March 26, 2002. The amendment proposed to make changes to conform to the study commission guidelines. It proposed to change the composition of the commission, change the convening date, remove language providing that commission members serve without payment of compensation or expenses, authorize up to 4 meetings, change the submission process for the initial report, add a compensation section and strike the funding for the interim and final reports as funding for the commission would be provided from the Legislative Account.

Enacted law summary

Resolve 2001, chapter 113 establishes a commission to arrange for the display of plaques and flags in the Hall of Flags in the State House to honor the Maine veterans of World War II and the Korean War.

LD 2067 **An Act to Require Appropriate Public Notice of a State Building Project** **PUBLIC 615**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ	S-448
COLWELL	ONTF MIN	S-497 DAGGETT

LD 2067 proposed that if a proposed state public improvement construction project is not reviewed by a municipal planning board, the Department of Administrative and Financial Services, Bureau of General Services must notify, in writing, a property owner whose property abuts the proposed state project before work may begin.

Committee Amendment "A" (S-448) proposed to replace the bill. It proposed that the Department of Administrative and Financial Services, Bureau of General Services be required to provide notice of state public improvement construction projects if the municipality in which the project is located is not reviewing the project. It proposed that notice must be provided in the same manner as required by municipal ordinance in the town or city in which the project is located and must be provided as soon as development of the schematic design of the project is complete. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-497) proposed to replace the committee amendment. It proposed that if a public improvement is for new construction only and is not reviewed by a municipality, the public notice must be provided by the agency responsible for the new construction.

Enacted law summary

Public Law 2001, chapter 615 provides that if a proposed state public improvement project for new construction is not reviewed by the municipal in which it is located, the agency responsible for the new construction must provide public notice of the project. Notice must be provided in the same manner as required by municipal ordinance for similar projects, in the town or city in which the project is located and must be provided as soon as development of the schematic design of the project is complete.

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LD 2114

An Act to Provide Full Utility of Retired School Buildings

PUBLIC 586
EMERGENCY

<u>Sponsor(s)</u> DUNLAP CATHCART	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-940
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LD 2114 proposed to provide that a municipality may use a school building transferred to it by a school board for municipal purposes in the condition that the building was in on the date of the transfer as long as work performed by the municipality on the building is limited to repairs and minor alterations.

Committee Amendment "A" (H-940) proposed to amend the original bill by striking out references to the condition of the school building being transferred to a municipality and by deleting references to limits on the nature of the work that could be done to the building by a receiving municipality.

Enacted law summary

Public Law 2001, chapter 586 clarifies current law that allows a municipality to use a school building transferred to it by a school board for municipal purposes.

Public Law 2001, chapter 586 was enacted as an emergency measure effective April 1, 2002.

LD 2115

An Act to Abolish the Educational Leave Advisory Board

PUBLIC 519

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 2115 proposed to terminate the Educational Leave Advisory Board. It proposed to retain language that declares the educational leave program for state employees to be in the public interest.

Enacted law summary

Public Law 2001, chapter 519 terminates the Educational Leave Advisory Board. It retains language that declares the educational leave program for state employees to be in the public interest.

LD 2134

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Purchase Land in Machias, Maine

RESOLVE 105

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1030
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LD 2134 was reported from the Joint Standing Committee on State and Local Government pursuant to Joint Order 2001, H.P. 1598. The resolve proposed to authorize the Commissioner of Administrative and Financial Services to purchase land in the Machias Industrial Park in Machias for the new Downeast Correctional Facility. The resolve would be repealed 3 years from its effective date.

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Committee Amendment "A" (H-1030) proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 105 resulted from a committee bill from the Joint Standing Committee on State and Local Government. The resolve authorizes the Commissioner of Administrative and Financial Services to purchase land in the Machias Industrial Park in Machias for the new Downeast Correctional Facility. The resolve is repealed 3 years from its effective date.

LD 2177 **An Act to Implement the Recommendations of the Joint Standing Committee on State and Local Government Pursuant to Reviews Conducted under the State Government Evaluation Act** **PUBLIC 597**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP		

LD 2177 proposed to implement the recommendations of the Joint Standing Committee on State and Local Government as a result of its review of agencies under the State Government Evaluation Act. The bill proposed to amend the scheduling guidelines for the committee's future reviews of State Government agencies.

Enacted law summary

Public Law 2001, chapter 597 implements the recommendations of the Joint Standing Committee on State and Local Government as a result of its review of agencies under the State Government Evaluation Act. The bill amends the scheduling guidelines for the committee's future reviews of State Government agencies.

LD 2193 **An Act to Create the Office of Program Evaluation and Government Accountability** **PUBLIC 702**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-1039
				S-595 PENDLETON

LD 2193, which was a committee bill of the Joint Standing Committee on State and Local Government, proposed to establish both the Joint Legislative Oversight Committee and the Office of Program Evaluation and Government Accountability for the purposes of providing legislative oversight of programs of State Government and to ensure the appropriate use of public funds. The bill, as proposed, described the duties of the committee and the office. It proposed to authorize the committee to hire a director to operate the office. It also described the duties and powers of the director and the office. The bill also described the manner in which program evaluations would be conducted by the office and the manner in which reports would be released to the committee and to the public. The bill also proposed to prohibit employees of the office from organizing or joining a union. This bill also proposed to include an appropriations and allocations section and a fiscal note.

Committee Amendment "A" (H-1039) proposed to make the following changes to the bill.

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1. To change the name of the Joint Legislative Oversight Committee to the "Government Oversight Committee";
2. To allow the committee to adopt rules that are not in conflict with the Joint Rules of the Legislature;
3. To allow the committee to report out legislation;
4. To prohibit a director of the Office of Program Evaluation and Government Accountability from being hired prior to April 1, 2003 and other employees of the office before July 1, 2003;
5. To provide that the office be a separate appropriation in the General Fund appropriation bill and in the event of a difference between the Governor's budget request and the office's budget request, it proposed to require the Governor to explain why the budget for the office submitted by the Governor differs from the budget submitted by the Legislative Council; and
6. To change the appropriations and allocations section and to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-570), which was not adopted, proposed to provide for the establishment of the Office of Program Evaluation and Government Accountability as included in the bill, but that the Government Oversight Committee, the committee that would oversee the work of the office, be a joint committee of the Legislature established under Joint Rules of the Legislature. The joint rules would establish the membership of the committee and the manner in which the chairs would be selected. This amendment also proposed to make technical changes to carry out those changes. It also proposed to provide that the Director of the Office of Program Evaluation and Government Accountability be appointed by the committee, but that the Legislative Council recommend a list of 5 candidates from which the committee would select the director. The amendment also proposed to set the term of appointment for the director at 5 years.

This amendment also proposed to correct the title of the office in the appropriation and allocation section of the amendment.

Senate Amendment "B" to Committee Amendment "A" (S-591), which was not adopted, proposed to strike the committee amendment and to make changes to the bill. It proposed to establish the Office of Program Evaluation and Government Accountability as a nonpartisan office under the control of the Legislative Council. It proposed to authorize the creation of the Joint Select Committee on Oversight. The membership of the committee and selection of the chairs would be determined pursuant to the Joint Rules of the Legislature.

It proposed to authorize the Attorney General, the State Auditor, the State Controller, the Commissioner of Administrative and Financial Services, the Director of the Office of Fiscal and Program Review and the Director of the Office of Policy and Legal Analysis to assist the Office of Program Evaluation and Government Accountability and the Joint Select Committee on Oversight. It proposed to require the committee to establish an annual schedule of state agencies to review, in collaboration with the joint standing committees of the Legislature and the Commission on Performance Budgeting. It proposed to require the office to submit an annual report to the Legislative Council.

It proposed to create 2 positions within the Office of Program Evaluation and Government Accountability, including the director. The director would be hired by and report to the Legislative Council. Finally, it proposed to appropriate funds for both staff positions beginning January 1, 2003.

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Senate Amendment "C" to Committee Amendment "A" (S-595) proposed to incorporate the changes made by Senate Amendment "A" to Committee Amendment "A" and to make the following changes:

1. That the Legislative Council appoint by an affirmative vote of 8 members the Director of the Office of Program Evaluation and Government Accountability;
2. That the legislative committee that oversees the work of the office evaluates the director and makes a recommendation in writing to the Legislative Council before the director is reappointed;
3. That money appropriated or allocated to the office must be expended in the discretion of the director and the legislative committee that oversees the work of the office only; and
4. That prior to the release of a program evaluation report or the point at which a program evaluation is no longer being actively pursued, all papers, physical and electronic records and correspondence and other supporting materials comprising the working papers in the possession of the director or other entity charged with the preparation of a program evaluation report remain confidential and may not be released or disclosed by the director to the Legislative Council or an agent or representative of the Legislative Council.

Enacted law summary

Public Law 2001, chapter 702 establishes the Office of Program Evaluation and Government Accountability for the purposes of providing legislative oversight of programs of State Government and to ensure the appropriate use of public funds by public and private entities in the State. The bill describes the duties of the Government Oversight Committee, which will be established in Legislative rules, and of the office. It authorizes the Government Oversight Committee to oversee the operations of the office. It describes the duties and powers of the director and the office. The law also describes the manner in which program evaluations are to be conducted by the office and the manner in which reports are to be released to the committee and to the public. The law authorizes the committee to report out legislation based on evaluation reports submitted to it by the office. Under chapter 702 of Public Law 2001, the director would be hired on or after April 1, 2003 and other employees of the office would be hired on or after July 1, 2003.

Under the law, the Legislative Council appoints by an affirmative vote of at least 8 members the Director of the Office of Program Evaluation and Government Accountability. The Government Oversight Committee that oversees the work of the office evaluates the director and makes a recommendation in writing to the Legislative Council before the director is reappointed. The law requires that money appropriated or allocated to the office must be expended in the discretion of the director and the Government Oversight Committee that oversees the work of the office only.

Finally, the law provides that prior to the release of a program evaluation report or the point at which a program evaluation is no longer being actively pursued, all papers, physical and electronic records and correspondence and other supporting materials comprising the working papers in the possession of the director or other entity charged with the preparation of a program evaluation report are confidential and may not be released or disclosed by the director to the Legislative Council or an agent or representative of the Legislative Council.

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